

REMARKS

Claims 3-6 are currently pending in the case. Claims 3 and 5 are in independent form. Claim 3 are amended by way of this response. No new matter has been added by these amendments. Please charge Deposit Account No. 02-1818 for any fees due in connection with this response.

The Office Action objected to the drawings under 37 CFR 1.83(a) for not showing a "counter." Applicants respectfully disagree. FIG. 1 includes a box 7. Per ¶¶ 37-38, box 7 is a control circuit that is capable of performing the counting function.

The Office Action objected to claim 3 for the lack of a comma. Appropriate correction has been made.

The Office Action rejected claims 3 – 6 under 35 USC §112 ¶1 as failing to comply with the written description requirement with respect to the "counter" claim language. Applicants respectfully disagree. Per ¶¶ 37-38, box 7 is a control circuit that is capable of performing the counting function. Although the use of a counter in the combination as claimed is not well known, control circuits capable of counting are well known to persons of ordinary skill in the art.

The Office Action rejected independent claims 3 and 5 under 35 U.S.C. §102(b) as being anticipated by Nakajima (U.S. Publication No. 2002/0122217), hereinafter *Nakajima*.

Independent claim 3 recites, inter alia, "at least one light sensor arranged at an edge region of the projection light bundle, the at least one light sensor using a modulated brightness level obtained from the at least one light sensor and a counter to detect (i) a position of the oscillating mirror and (ii) a specific characteristic of the modulated brightness level." Similarly, claim 5 recites, inter alia, "detecting an

oscillation status of an oscillating mirror, a position of the oscillating mirror, and a specific characteristic of the modulated brightness level using the modulated brightness level obtained from the light sensor and using a counter."

For example, the claimed system may require the detection of a specific regular signal (as opposed to a random signal). *Nakajima* fails to teach this feature. In fact, the cited portion of *Nakajima* (¶0145) makes no reference to a counter.

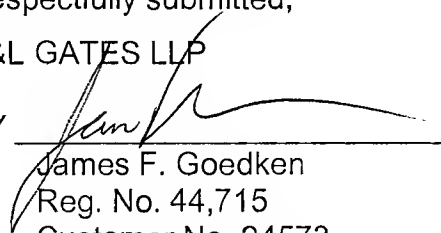
For at least these reasons, independent claims 3 and 5 are patently distinguished over *Nakajima* and are in condition for allowance. Claims 4 and 6 depend directly from claims 3 and 5 respectively and are allowable for at least the same reasons.

Accordingly, all pending claims are in condition for allowance, and the rejection should be withdrawn. An earnest endeavor has been made to place this application in condition for formal allowance, and in the absence of more pertinent art, such action is courteously solicited. If the Examiner has any questions regarding this Response, Applicants respectfully request that the Examiner contact the undersigned.

Respectfully submitted,

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Dated: July 13, 2010